

EXECUTIVE ORDER

INVESTIGATIVE REQUIREMENTS RELATING TO
CIVILIAN EMPLOYMENT IN NON-SENSITIVE
POSITIONS IN THE GOVERNMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631), the Civil Service Act of 1883, 22 Stat. 403 (5 U.S.C. 632, et seq.), and as President of the United States, it is hereby ordered as follows:

Section 1 (a). The appointment of each civilian officer or employee to a non-sensitive position in any department or agency of the Government shall be subject to investigation. The term "non-sensitive position" means any position not designated as a sensitive position pursuant to section 2 of Executive Order No. of , 1957. The scope of such investigation shall be determined by the head of the department or agency concerned, or by his representative, but in no event shall it include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation) and written inquiries to appropriate local law enforcement agencies, former employers, and supervisors, references, and schools attended by the person under investigation.

(b). The requirement for written inquiries may be dispensed with in the case of any person who has completed a minimum of five years of continuous civilian service with the Government (except for breaks in

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service not in excess of ninety days) if no information exists that reflects unfavorably upon such person's loyalty, character, integrity, or reliability.

(c). Nothing in this order shall be construed as requiring a new investigation with respect to an occupant of a non sensitive position if such occupant has been the subject of an investigation conforming to the minimum requirements specified in this order.

(d). Upon request of the head of a department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as the Commission deems appropriate with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States.

Section 2(a). There shall be established and maintained in the Civil Service Commission an investigations index covering all persons as to whom investigations have been conducted by any department or agency of the Government under this order. The investigations index shall contain the name of each person so investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person.

(b). The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the investigations index.

(c). The investigation of persons entering, or employed in, the competitive service in a non-sensitive position shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission.

(d). The investigation of persons (including consultants, however employed) entering the employment of, or employed by, the Government in a non-sensitive position other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(e). The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program relating to loyalty or security shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security and the discretion of the investigative agency, be retained on loan by the employing department or agency.

Section 3. Investigations conducted pursuant to this order shall relate to information of a nature described in section 2.106(a) of title 5 of the Code of Federal Regulations. There shall be referred promptly to the Federal Bureau of Investigation, which shall conduct

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a full field investigation, all investigations being conducted by any other agencies which develop information of the following described nature:

(a) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(b) Establishing or maintaining a close continuing or sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation the interests of which may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(c) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(d) Membership in, or affiliation or close continuous or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, fascist, communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution

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of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(e) Close continuous or sympathetic association with a member or members or affiliates of an organization referred to in paragraph (d) of this section.

(f) Participation in the activities of an organization infiltrated by members of an organization referred to in paragraph (d) of this section under circumstances indicating sympathy for such members or their purposes.

(g) Intentional, unauthorized disclosure to any person of security information, or other information disclosure of which is prohibited by law, or wilful violation or disregard of security regulations.

(h) Performing, or attempting to perform, his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(i) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(j) Refusal by the individual upon the ground of constitutional privilege against self-incrimination to testify before a congressional committee or grand jury regarding any matter pertaining to loyalty, security, or subversive connections.

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(k) Any other facts which tend to create a reasonable doubt as to the loyalty of the individual involved to the Government of the United States.

Section 4. Nothing in this order shall be construed as eliminating or modifying in any way the requirement or authority for any investigation or any determination relating to security or other personnel matters which may be otherwise required or authorized by law.

THE WHITE HOUSE,

, 1957.